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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LUNELL GAMBLE, and SHEILA
KENNEDY, on behalf of themselves as
well as a class of similarly situated
individuals,

Plaintiffs

vs.

KAISER FOUNDATION HEALTH
PLAN, INC; KAISER FOUNDATION
HOSPITALS, INC.; and THE
PERMANENTE MEDICAL GROUP;
all doing business as KAISER
PERMANENTE MEDICAL CARE
PROGRAM

Defendants

Case No. 4:17-cv-06621-YGR

**RESPONSE TO ADMINISTRATIVE
MOTION TO SCHEDULE
SUBSEQUENT CASE
MANAGEMENT CONFERENCE**

Hon. Yvonne Gonzalez Rogers

Plaintiffs, their counsel of record, and his retained ethics counsel, respond as follows
to Kaiser's Administrative Motion for the Court to schedule a further Case Management
Conference (ECF 149).

RESPONSE

Plaintiffs and counsel understand that the Court stayed this case to address and resolve issues around potential violation of Rules of Professional Conduct concerning conflicts of interest as between attorney and client arising from the terms of the fee agreement. Plaintiffs and counsel would not object to a hearing to address those issues with the Court. Nor would they object to the scheduling of a case management conference to address status and lifting of the stay in conjunction with a hearing on the issues, or after the Court issues its ruling.

Defendants seek a case management conference to discuss status of the stay, but their counsel expressly stated that they were not asking for the Court to rule on the pending issues prior to addressing scheduling. Consistent with their understanding of the purpose for the stay, plaintiffs suggest that the Court schedule the conference after it addresses the underlying issues, or in connection with a hearing on those matters.

Further, although defendants indicated that they wished to address case status with the Court, in connection with their request, they declined to state defendants' proposal for return of the case to active litigation (including the discovery conference, settlement conference or class certification motion deadline), to identify any information it proposes should be supplied by the parties, or to address measures that would avoid or minimize potential conflicts of interest during the settlement conference with Magistrate Judge Spero. Plaintiffs suggest that, in the event that the Court schedules a case management conference, the parties be directed to submit a joint statement outlining their positions and proposals.

CONCLUSION

Plaintiffs and responding attorney respectfully do not object to a hearing on the issues underlying the stay; nor to a case management conference to address status in connection with such a hearing or after a ruling by the Court. In the event of a further conference, plaintiff requests that the parties be directed to submit a joint statement outlining their positions and proposals in connection with such a conference.

Respectfully submitted,

Dated: January 30, 2020

LAW OFFICE OF JEREMY L. FRIEDMAN

By: /s/Jeremy L. Friedman

Jeremy L. Friedman

Attorney for named plaintiffs and putative class

ROGERS JOSEPH O'DONNELL, a PLC

By: /s/Merri A. Baldwin

Merri A. Baldwin

Counsel for Responding Attorney

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed with the Clerk of the Court for the Northern District of California, by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Jeremy L. Friedman

Jeremy L. Friedman

